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QUESTIONS

AND ANSWERS

ON THE

EGG PRODUCTS INSPECTION ACT

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UNITED STATES DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE
POULTRY DIVISION
WASHINGTON, D. C. 20250

QUESTIONS AND ANSWERS ON THE EGG PRODUCTS INSPECTION ACT

(These are tentative answers to major questions about the new mandatory program of egg products inspection and disposition of "restricted eggs," pending formulation and issuance of the official USDA regulations.)

I. GENERAL

1. What is the Egg Products Inspection Act?

This is an Act of Congress which among other things requires plants processing egg products for interstate, intrastate, or foreign commerce to operate under mandatory continuous inspection of the U.S. Department of Agriculture unless exempted. It also regulates the disposition of "restricted eggs" such as checks, dirties, incubator rejects, inedibles, leakers, and loss.

2. What is the effective date of the Act?

The Act became law on December 29, 1970. The egg products provisions will take effect on July 1, 1971, and the other provisions will take effect on July 1, 1972.

3. What Agency in the Department of Agriculture administers the Act?

The Poultry Division of the Consumer and Marketing Service.

4. What are egg products?

The term "egg product" as defined in the Act means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

5. What is an "official plant"?

Any plant at which continuous inspection of the processing of egg products is maintained by the USDA.

6. Can a person receive the mandatory continuous inspection program now instead of waiting until the effective date?

No. Inspection will not be installed until July 1, 1971, or as soon thereafter as is practicable. However, plants can receive the voluntary service, on a fee basis, and convert to the mandatory program on that date.

II. SHELL EGGS

1. What are "restricted eggs" and what can be done with them?

"Restricted eggs" are checks, dirties, incubator rejects, inedibles, leakers, and loss eggs. Some of these eggs are unfit for human food and some can be carriers of Salmonella and other bacteria. Incubator rejects, leakers, inedibles, and loss eggs must be destroyed, denatured, or labeled to prevent their use as human food. Checks and dirties may be sent to an official USDA egg products processing plant for proper segregation and processing. They cannot be sold to restaurants, food manufacturing plants, retail stores, etc.

2. Must checks and dirties go directly to an official plant?

No. They may go indirectly by way of an assembler or handler.

3. Is this one reason why persons who buy, sell, handle, etc., shell eggs and egg products must keep records of their transactions?

Yes. Recordkeeping will aid in controlling restricted eggs or unwholesome egg product that could be released into consumer channels.

4. What is an egg handler?

An egg handler is "any person who engages in any business in commerce (interstate, intrastate, or foreign) which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food."

5. Where can "nest-run" or ungraded eggs be sold?

"Nest-run" or ungraded eggs can be sold to shell egg grading or packing plants, or to official egg products plants. They cannot be sold to restaurants, food manufacturing plants, retail stores, etc., unless they contain no more checks, leakers, dirties, and loss or inedibles than permitted in the U.S. Consumer Grade B. At present, these limits are not more than 10 percent checks, 0.5 percent leakers and dirties, and no loss or inedibles. The specific numerical limits are not set by the Act, but are those limits set forth in the grade standards for U.S. Consumer Grade B. Records, unless exempted, such as bills of sales and receipts must be kept of all transactions.

III. EGG PRODUCTS

1. Are all egg products plants required to have continuous inspection?

Generally, yes. However, if a plant's facilities and operating procedures meet the USDA sanitary requirements and if the plant only receives or breaks eggs meeting U.S. Consumer Grade B or better, then such a plant could apply for and receive exemption from continuous inspection and would only be checked periodically.

2. What are the maximum restricted eggs allowed in the U.S. Consumer Grades?

Presently a maximum of 10 percent checks and 0.5 percent dirties and leakers. Incubator rejects, inedibles, and loss eggs are not allowed.

3. What does continuous inspection mean?

This means that all operations, facilities, and sanitary practices in an egg processing plant have been approved and are under the supervision of a USDA inspector at all times. The inspector checks the acceptability of the shell eggs, the sanitation of the plant and equipment, and determines if the egg products are properly processed. The inspector has the authority to require the destruction or denaturing of any eggs or egg products that are unfit for human food.

4. Can the Secretary of Agriculture refuse to render inspection in any plant?

Yes. Service will not be provided or continued in any plant whose premises, facilities, equipment, or operations fail to meet the USDA requirements. In such cases, operation must cease until the aforesaid requirements are met.

5. What are the requirements for eggs or egg products which are sold to the manufacturers of nonhuman food?

Inspection will not be provided at plants for the processing of any eggs or egg products which are not to be used as human food. But, before these eggs or egg products are shipped in commerce, they must be denatured or identified to prevent their use as human food. Here again, records must be maintained to show the disposition of the product.

6. Is pasteurization equipment necessary in an official USDA plant?

Yes, unless the unpasteurized product is shipped under seal from one official plant to another official plant for pasteurization.

IV. PROHIBITED ACTS

1. Are certain acts or things prohibited?

Yes, there are several things. Generally, they are:

- a. Buying, selling, transporting, or receiving any restricted eggs unless they are denatured or identified to prevent their use as human food. However, checks and dirties may be shipped to official egg products processing plants for proper segregation and processing.

- b. The processing of egg products that is not done in compliance with this Act.
- c. Buying, selling, transporting, etc., any egg products capable of use as human food that have not been inspected, unless exempted from inspection.
- d. Shipping of adulterated or misbranded egg products from any plant, unless they are denatured and labeled to prevent their use as human food.
- e. Knowingly falsely representing that any article has been inspected or exempted under this Act.
- f. Refusing access to any representative of the Secretary of Agriculture, or the Secretary of Health, Education, and Welfare to any place of business subject to inspection.
- g. Manufacturing, forging, altering, or unauthorized use of any official mark, labels bearing official marks, official certificates, etc.
- h. Any actual or attempted interference, obstruction, assault, or bribery of any employee in the performance of his official duties.

V. EXEMPTIONS

1. Are there any exemptions to the "Egg Products Inspection Act?"

Yes, there are several. The Secretary may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this Act:

- a. Egg processing plants which receive or break only eggs that do not contain more restricted eggs than are allowed in the Standards for U.S. Consumer Grades and whose facilities and operating procedures meet USDA sanitary requirements. Such plants need not have continuous inspection but must apply for and receive an exemption number.
- b. The selling of eggs and processing and sale of egg products by poultry producers from their own flocks directly to household consumers, and the sale of eggs by a shell egg packer on his own premises directly to household consumers.
- c. The sale of eggs by any egg producer with an annual egg production from a flock of 3,000 or fewer hens.
- d. The sale, transportation, possession, or use of eggs which do not have more restricted eggs than are allowed in the official Standards for U.S. Consumer Grades.

- e. Temporary exemptions up to June 30, 1973, can be given to egg products plants when it is impracticable to inspect them. These plants will be allowed to process until inspectors are available.

The conditions and extent of the exemptions will not be known until the final regulations are issued.

VI. IMPORTS

1. Can eggs and egg products be imported into the United States?

Yes, but imported egg products must be inspected under a USDA approved continuous foreign governmental inspection system and meet the same requirements as domestic egg products; shell eggs must not contain more restricted eggs than allowed in the U.S. Consumer Grades. Such eggs will be inspected at port of entry and handled in the same manner as domestic eggs.

VII. ENFORCEMENT

1. Who will do the continuous egg products inspection in official plants?

Either a USDA licensed Federal or State employee.

2. How will shell egg packers, egg handlers, hatcheries, and exempted egg products plants be checked?

These operations and their records will be periodically inspected by Federal or State employees. For plants packing eggs for sale to the ultimate consumer (household consumer, restaurant, etc.), such periodical checks will be at least four times a year.

3. Will this Act affect restaurants and food manufacturers?

Yes. The operations and records of restaurants and food manufacturers will be periodically checked by the Food and Drug Administration. They may use only eggs containing no more restricted eggs than allowed in the Standards for U.S. Consumer Grades. If they desire to break checks and dirties, they have to become an official USDA egg products plant and operate under continuous inspection.

4. Are any eggs or egg products subject to detention?

Yes. If eggs and egg products are found to be in violation of this Act, and this includes restricted eggs in the possession of unauthorized persons, they can be detained and judicially seized.

This authority extends to any premises where eggs or egg products are found.

VIII. LABELING AND STANDARDS

1. Can a State impose labeling requirements or standards for officially inspected egg products which are different from those required by this Act?

No.

2. Can a State require the use of shell egg standards that are different from the Federal standards?

No State can require the use of standards of quality, condition, quantity, or grade which is different from the Federal standards for eggs in interstate or foreign commerce. However, a State may impose different standards for eggs produced and marketed within that State.

3. How about one State requiring another to show the State of origin of the eggs?

No State except Alaska, Hawaii, Puerto Rico, and the Virgin Islands can require that the State or geographical area of production or origin be shown on eggs shipped into its jurisdiction. However, a State can require that the packer's name, address, and license number be shown. A State may, if it wishes, require that eggs produced and marketed within its own State be labeled as produced in that State.

4. How are egg products labeled?

In official egg products plants according to tentative regulations now being drafted, all edible egg products must be labeled as follows:

- a. The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;
- b. The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";
- c. The lot number or production code number;
- d. The net contents;
- e. Official identification and plant number;

- f. Egg products which are produced from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production."

("Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and have not been held in refrigerated storage in excess of 60 days.)

- g. Egg products produced from edible shell eggs of the turkey, duck, goose, or guinea, or from other egg products which were produced from edible shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product, indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs." Egg products labeled without qualifying words as to type of shell egg used in the products shall be produced only from the edible shell egg of the domesticated chicken.
- h. Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

In exempted egg products plants, all edible egg products must bear:

- a. The "Exemption Registration Number" which is assigned to each plant qualifying for exemption.
- b. All information required under the Fair Packaging and Labeling Act and the laws of the jurisdiction in which produced.

All inedible egg products, in official plants and exempted plants, shall be destroyed, denatured, or identified as prescribed by the Secretary of Agriculture to deter their use for human food.

IX. COST OF INSPECTION

1. Who pays for the cost of the inspections that are needed?

These costs are paid by the United States, except that official plants will be billed for overtime and holiday continuous inspection work.

X. OBTAINING CONTINUOUS INSPECTION SERVICE

1. How does an egg products processor apply for service?

All processors, whether large or small, should apply as soon as possible to an area office of the Grading Branch, Poultry Division, Consumer and Marketing Service, United States Department of Agriculture.

Each applicant will receive application forms, a copy of the present USDA voluntary egg products inspection regulations (7 CFR Part 55) and an information sheet describing the drawings and specifications needed.

2. Can egg products processors receive guidance in planning a plant layout, facilities, and operations that will meet the requirements of the Egg Products Inspection Act?

Yes. There are area offices in four geographical regions. Representatives in these offices will assist applicants for service in planning for operations under the Act. These offices are listed on the next page.

3. Will a survey of the plant and premises be made by the Poultry Grading Branch before the continuous inspection service is installed?

Yes. After the drawings and specifications are approved and any needed remodeling and installation of equipment is completed, a survey will be made. The plant will be approved for the inspection service only when the plant is constructed and the facilities installed according to the approved drawings and specifications and regulations of the Secretary of Agriculture.

4. Must exempted plants meet the same facilities and operating procedures as an official plant?

Yes. This includes the submitting of drawings and specifications for approval and having the plant surveyed for approval.

5. What are the requirements for egg products plants which now have voluntary egg products inspection service?

Generally, the facilities and plants will be approved with little if any modifications.

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Delaware	Maryland	North Carolina	Vermont
District of Columbia	Massachusetts	Pennsylvania	Virgin Islands
Florida	New Hampshire	Puerto Rico	Virginia
Georgia	New Jersey	Rhode Island	West Virginia

Eastern Area Grading Office:

1006 U.S. Custom House
2nd and Chestnut Streets
Philadelphia, Pennsylvania 19106
Telephone: (215) 597-4554

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Alabama	Indiana	Michigan	Tennessee
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East Midwest Area Grading Office:

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Des Moines, Iowa 50309
Telephone: (515) 284-4581

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Western Area Grading Office:

U.S. Appraisers Bldg, Room 807
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